

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SANDRA P. FULLER)	
)	
V.)	NO. 2:09-CV-217
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security)	

REPORT AND RECOMMENDATION

The plaintiff has moved for an award of attorney fees and expenses pursuant to 28 U.S.C. § 2412(d)(1). (Doc. 27). The Commissioner opposes the motion, (Doc. 30), arguing that the position of the Commissioner was “substantially justified” notwithstanding this court’s prior remand of the matter.¹

As even a cursory reading of the initial report and recommendation reveals, this court believed that the ALJ’s conclusions were understandable. The question of affirmance versus remand was much closer in this case than it is in most of the cases which this court orders remanded to the Commissioner for further proceedings.

It is respectfully recommended that plaintiff’s application for an award of attorney fees be denied.²

SO ORDERED:

s/ Dennis H. Inman
United States Magistrate Judge

¹28 U.S.C. § 2412(d)(1)(A).

²Any objections to this report and recommendation must be filed within ten (10) days of its service or further appeal will be waived. 28 U.S.C. § 636(b)(1)(B) and (C). *United States v. Walters*, 638 F.2d 947-950 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).